

FILED

3/22/2016

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Teachen Latroy Ellis

RECEIVED

FEB 19 2016 ZAG

2-19-16

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

16-cv-2477

Judge Elaine E. Bucklo

Magistrate Judge Susan E. Cox

PC1

Cook County

Superintendent Thomas

Lt. Delitz

Lt. Hurd

Sgt. McCoy

Sgt. McCray

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

DFM Employee 1

DFM Employee 2

DFM Employee 3

CHECK ONE ONLY:

 COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

 COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

X **OTHER (cite statute, if known)**

Count 1 - 42 USC 1983 Civil Rights Act

Count 2 - Negligence (Tort)

Count 3 - Intentional Infliction of Emotional Distress (Tort)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

Count 4 - Indemnification -

I. Plaintiff(s):

- A. Name: Teachon Latroy Ellis
- B. List all aliases: _____
- C. Prisoner identification number: 20150730259
- D. Place of present confinement: Cook Co. Jail
- E. Address: 2700 S. California Blvd. Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Cook County
Title: A municipal Corporation
Place of Employment: Cook County
- B. Defendant: Superintendent Thomas
Title: Superintendent - CCDOC - Division 6
Place of Employment: Cook County Sheriff's Office
- C. Defendant: Lt. Delitz
Title: Leutenant - CCDOC - Div 6
Place of Employment: Cook County Sheriff's Office

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

II: Defendant(s) (continued)

D: Defendant: Lt. Hurd

Title: Lieutenant (Hurd) CCDOC - Div 6

Place of Employment: Cook county Sheriff's office

E: Defendant: Sgt. McCoy

Title: Sergeant - CCDOC - Div 6

Place of Employment: Cook county Sheriff's office

F: Defendant: Sgt. McCray

Title: Sergeant - CCDOC - Div 6

Place of Employment: Cook county Sheriff's office

G: Defendant: DFM Employee 1

Title: Plumber

Place of Employment: Cook co. Dep't of Facilities Management

H: Defendant DFM Employee 2

Title: Plumber

Place of Employment: Cook co. Dep't of Facilities Management

I: Defendant DFM Employee 3

Title: Plumber's Supervisor

Place of Employment: Cook co. Dep't of Facilities Management

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: I don't remember / Don't know
- B. Approximate date of filing lawsuit: approx May 2013
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Self.
- D. List all defendants: It was against another driver I don't know his name - State Farm may have also been a defendant.
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): I don't remember
- F. Name of judge to whom case was assigned: I don't know
- G. Basic claim made: Car accident - personal injury
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Settlement - I don't know for sure, but presumably dismissed w/Prejudice
- I. Approximate date of disposition: approx August 2014

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Introduction

1. This action arises out of violations of the 8th and 14th amendments to the U.S. Constitution, where various employees of the Cook County Dep't of corrections and Dep't of Facilities management, violated Plaintiff's rights, with deliberate indifference to his health and safety, by housing him in an environment which exposed him to Sewage and human wastes. Plaintiff also seeks various tort claims against Defendants, including IIED, Negligence and indemnification.

Facts

2. Plaintiff is a Detainee at the Cook County Dep't of corrections.

3. At all times relevant, he was a resident in Division 6 tiers 1Q, 1A and 2D.

4. The Toilets on the Bottom half of tier 1Q repeatedly backed up raw Sewage, which contained fecal matter, urine and other biological wastes.

5. To Date, at least while plaintiff was a resident there, it backed up raw sewage on at least 5 occasions. On approximately Jan 11, 21st, 26th, 28th and 29th. Allegedly, according to other inmates, it occurred many times before that. And according to an admission by Sgt. McCoy on the 29th, for about "a year".

6. The toilet on the 1st occasion was spewing raw sewage and fecal matter heavily in about 2-3 second intervals.

7. Sewage damaged Plaintiff's Property.

8. The entire tier was told to pack their stuff up and they were moved to tier 1A while the tier was being cleaned up. Plaintiff and the inmates remained on 1A for one day, and they were subsequently moved back to 1Q, assuming it was fixed, but it was not.

9. Since the initial backup, which was certainly not the first time for tier 1Q. The tier's toilets backed up ^{on} numerous occasions repeatedly spewing wastes containing fecal matter and other biological contaminants. Officers and Sgts. responded with their usual laughter along with plumbers and sending the tier and plaintiff to holding areas for brief periods to "clean up",

Completely indifferent to fix the source of the issue.

10. Despite repeated complaints and grievances by many of the inmates, to be moved so they wouldn't be exposed. The jail administration simply disregarded the main issue, which they were on notice of for "years", and resorted to temporary cleanups by inmate workers. On one occasion, officers kept plaintiff locked in his cell even with the raw sewage. And instructed him to attempt to clean it himself with no adequate chemicals or protective equipment.

11. One inmate asked the Superintendent, Mr. Thomas on one occasion if he can instruct the plumbers to rod out the pipe adequately so it won't happen anymore, he responded, "it's more complicated than that" - "we have been having this issue for a long time".

12. Lt. Delitz responded to grievances on numerous occasions stating the issue has been fixed when clearly it was not. She was on notice that it happened repeatedly after her response. According to grievance responses the Lieutenant and the admin stated it was "fixed" or "resolved" on the 19th, 25th and 29th. Clearly they all knew, every defendant - that whatever method they were using to "fix" it was not working and they were utterly indifferent to resolving the real "complicated" issue.

13. On the 5th occasion (on the 29th), the terror from the raw sewage concluded with a massive backup which ended in approximately 2 to 3 inches of raw sewage and human wastes in the tiers cells.

14. On one occasion Plaintiff was injured physically,

15. Plaintiff and many inmates on the tier shared similar mental and emotional distress from the incidents. Nightmares, repeatedly waking up in shock and fear at the sounds of sink water running or toilets flushing, hallucinations, terror and fright. Plaintiff suffered extreme emotional and mental trauma, even after moving to a new tier, he is constantly in great stress fear and a state of anxiety for fear of it happening again.

16. One inmate asked the plumbers on or about Feb. 1, 2016 at approx 530pm if they located the issue and fixed it. He was eating what looked like Sunflower seeds and responded by shrugging his shoulders and stating "we don't know what the problem is", "we rodged it out on Friday".

17. The actions or inactions of Defendants caused Plaintiff to be repeatedly exposed to human wastes and other biological hazards on multiple occasions, which caused physical injury and emotional injury. Exposure to Human wastes can cause a myriad of serious medical conditions such as, but not limited to, Shingella, Hepatitis A, etc.

18. In addition, the issue clearly was not fixed because of inadequate/poorly trained staff - a plumber shrugging his shoulders and repeated failure to fix the issue reveals a number of things, among deliberate indifference - it reveals staff that don't know what they're doing and are not properly trained and cannot control the regular maintenance of the jail.

Count I:

Lt Delitz, Lt Hurd, Supt. Thomas, Sgt McCoy,
and Sgt. McCray Liability. And DFM
Employees 1, 2 and 3 Liability under §1983.

19. Plaintiff incorporates by reference paragraphs 1-18, as though fully set forth in this Count I, against defendants Delitz, Hurd, Thomas, McCoy and McCray.

20. Defendants are bound by Cook County Sheriff's General Order 10.9.9 to close down an area where there is a safety or health hazard. Not only did they fail to do it, they let it occur over and over again. And on some occasions, laughed about it.

21. They were on full notice that the course that Plumbers were taking wasn't working, all defendants including DFM employees were grossly deliberately indifferent to the safety, health and well being of plaintiff and about 40 human lives on the tier.

22. Defendants all had personal involvement in the failure to adequately repair the issue and failure to close down the area they reasonably knew would keep exposing plaintiff to serious health hazards. Every single defendant, other than Delitz (who responded to grievances) personally witnessed and disregarded the issues. Delitz disregarded them in the grievance process.

Count II:

Negligence against All Defendants.

23. Plaintiff incorporates by reference para. 1-22 as though fully set forth in this count II for the State tort claim of Negligence.

24. Defendants all owed plaintiff a Duty of care to provide safe and Sanitary Living conditions and they breached that duty. They knowingly and intentionally, with callous disregard for plaintiff's health and safety - kept him housed in an area in which through their own knowledge, experience (it lasting a "year") and personal observations, knew it would occur over and over again.

Count III:

IIED

25. Plaintiff incorporates by reference para 1-24, as though fully set forth in this count III.

26. Plaintiff suffered extreme emotional distress from the actions or inactions of defendants. Exposure to human wastes, could be considered considerably high up on the list of most degrading, humiliating, and emotionally damaging experiences a person can endure.

27. Daily nightmares, hallucinations, shock and fear are just some symptoms of what plaintiff felt repeatedly at the hands of the very people who are supposed to keep him safe. Instead they ignore and laugh.

Count IV Indemnification

28. Plaintiff incorporates by reference para 1-27, as though fully set forth in this Count 4.

29. Cook county is the indemnifying entity for the actions or inactions of the CCDOC/CCDFM personnel described above. Plaintiff demands Cook county be liable for any damages, other than punitive incurred thereon, if there is judgement granted against one or more of the Defendants.

Conclusion and Relief Sought.

30. Plaintiff continues to suffer, mentally and emotionally and suffered physically. He seeks compensatory and punitive damages to be disclosed at a later date.

Request For Preliminary Injunction And A Temporary Restraining Order.

31. Plaintiff incorporates by reference para 1-30 as though fully set forth in this request.

32. Plaintiff requests a preliminary injunction and (TRO) Temporary Restraining order to (a) Locate and fix the real issue on tier 1Q (b) if unable to, refrain from housing ~~anyone~~ on tier 1Q due to the CCDOC inability to address the issue — and the imminent threat tier 1Q poses to inmate Health, Safety ~~any~~ and well being.

Additional Official Capacity Claim Against Cook County And Defendants.

33. Plaintiff incorporates by reference para 1-32 as though fully set forth in this additional claim.

34. Defendants including Cook County are responsible for clearly failing to adequately train Plumbers or otherwise to provide adequate Staffing / Trained Staff to resolve issues such as these so it wouldn't need to reoccur many times as it did here.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

① Compensatory Damages (to be disclosed) ② Punitive Damages (to be disclosed)
 ③ Tort Damages punitive and compensatory ④ Lost Property Damage
 ⑤ Preliminary Injunction ⑥ TRO

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 9 day of 2, 2016 Te

Teachon Ellis

(Signature of plaintiff or plaintiffs)

Teachon Latroy Ellis

(Print name)

20150730259

(I.D. Number)

Cook Co. Jail

2700 S. California Blvd.

Chicago, IL, 60608

(Address)